

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION

UNITED STATES OF AMERICA

VERSUS

CRIMINAL ACTION NO. 1:01cr120WJG-2

PHYLLIS RENE DURR

ORDER DENYING MOTION FOR SENTENCE REDUCTION

THIS MATTER is before the Court on the motion [92] of Defendant Phyllis Rene Durr for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2) based upon recent amendments to the sentencing guidelines applicable to offenses involving cocaine base, and the subsequent decision by the United States Sentencing Commission [Sentencing Commission] to make this amendment retroactive, pursuant to United States Sentencing Guideline section 1B1.10 effective March 3, 2008.

Defendant was sentenced in this cause on July 16, 2002, to the custody of the Bureau of Prisons for 60 months, to be followed by 5 years supervised release, and the mandatory special assessment of \$100.00. (Ct. R., Docs. 50, 51.) Upon release from imprisonment, Defendant violated the terms of her supervised release on several occasions, pleaded guilty to the violations listed in the Petition filed by the United States Probation Office, and on August 15, 2007, was sentenced to 12 months and 1 day in the custody of the Bureau of Prisons for those violations. (Ct. R., Docs. 75, 76, 77, 84.)

Pursuant to the most recent information from the Sentencing Commission, any reduction

in the original guideline imprisonment range resulting from the new guideline amendments would not apply to a sentence being served on a revocation. The Court finds that Defendant's motion is not well-taken and should be denied. It is therefore,

ORDERED AND ADJUDGED that Defendant's motion [92] for sentence reduction be, and is hereby, denied.

SO ORDERED AND ADJUDGED this the 23rd day of September, 2008.

Walter J. Gar III

UNITED STATES SENIOR DISTRICT JUDGE